



HAWAII EMPLOYERS COUNCIL

February 7, 2022

Via Certified Mail and Email: DLNR.Intake.SHPD@hawaii.go

Dr. Alan S. Downer, Ph D.
Administrator
Mary M. L. Kodama
Architectural Historian
Hawai'i State Historic Preservation Division
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD., STE 555
KAPOLEI, HAWAII 96707

Subject: HEC Office Building
2682 Waiwai Loop
Honolulu, HI 96819
TMK # (1)1-1-016-004-0000

Dear Dr. Downer and Ms. Kodama:

This is in response to Ms. Kodama's email to me dated February 7, 2022, regarding the above subject property (the "Property"). Per your email, we understand the Property will be presented to the Hawaii Historic Places Review Board (the "Review Board") on March 18, 2022, for consideration to the Hawaii Register of Historic Places and recommendation for the National Register of Historic Places. As you know, HEC, the fee owner of the Property, did not submit the nomination request. In that regard, we offer the following comments.

The Hawaii Employers' Council Building is being nominated to the Hawaii Register of Historic Places ("HRHP") because the Honolulu Authority for Rapid Transportation ("HART") is receiving federal funding from the Federal Transit Administration for the Honolulu High-Capacity Transit Corridor ("Rail Project"), and therefore must comply with the Section 106 of National Historic Preservation Act of 1966 ("Section 106"). Pursuant to Section 106, a Programmatic Agreement ("PA") was entered into between the federal agency, HART, and State Historic Preservation Division ("SHPD"). In 2011, the PA identified the Hawaii Employers' Council Building as a historic property that would be adversely impacted by the Rail Project. As a result of this adverse impact, Stipulation VI.C of the PA specifically requires HART to submit draft National Register of Historic Places nomination forms to SHPD to nominate this Property to the HRHP.

In accordance with Section 13-198-4(d) of Title 13 of the Hawaii Administrative Rules, Department of Land and Natural Resources, Sub-Title 8, Hawaii Historic Places Review Board, Chapter 198, The Hawaii and National Registers of Historic Places Program ("Chapter 198"),

February 7, 2022

Page 2

HEC hereby notifies the Review Board that it objects to the nomination of the Property for listing into the Hawaii Register of Historic Places as provided under Chapter 198.

For this reason, HEC, as fee owner of the subject Property, respectfully objects to the listing of the Property on the above-described historic registers. It is our understanding that it is a matter of long practice that the Review Board does not list properties in the Hawaii Register of Historic Places over the private owner's objections. We ask that the Review Board consider that precedent in its deliberations on this matter.

Sincerely,

Hawaii Employers Council

A handwritten signature in black ink, appearing to read 'Robert W. Fung', with a horizontal line extending to the right.

Robert W. Fung
Its Secretary

AFFIDAVIT OF ROBERT W. FUNG

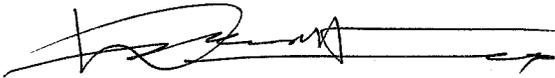
STATE OF HAWAII)
CITY AND COUNTY OF HONOLULU)SS.
)

The undersigned, Robert W. Fung, being duly sworn under oath, hereby certifies as follows:

1. I am the Secretary and General Counsel of the Hawaii Employers Council (hereafter "HEC").
2. I am authorized to make this affidavit on behalf of HEC.
3. HEC is the sole owner in fee simple of the property located at 2682 Waiwai Loop, Honolulu, Hawaii 96819 (TMK # (1)1-1-016-004-0000) (hereafter, the "Property").
4. On February 7, 2022, I received an email from Ms. Mary Kodama, Architectural Historian, State Historic Preservation Division, notifying me that the Property would be presented on March 18, 2022, to the Hawaii Historic Places Review Board for consideration to the Hawaii Register of Historic Places and recommendation for the National Register of Historic Places.
5. In accordance with Section 13-198-4(d) of Title 13 of the Hawaii Administrative Rules, Department of Land and Natural Resources, Sub-Title 8, Hawaii Historic Places Review Board, Chapter 198, The Hawaii and National Registers of Historic Places Program ("Chapter 198"), HEC hereby notifies the Hawaii Historic Places Review Board that it objects to the nomination of the Property for listing into the Hawaii Register of Historic Places as provided under Chapter 198.
6. In accordance with 36 C.F.R. § 60.6, HEC hereby states its objections to the nomination of the Property to the National Register of Historic Places.

FURTHER, AFFIANT SAYETH NAUGHT.

Dated: Honolulu, Hawaii, February 7, 2022.



Robert W. Fung

Notary Certificate on next page.

State of Hawaii

S.S.

County of Honolulu

On this _____ day of FEB 11 2022, 2022, before me personally appeared Robert W. Fung, who being by me duly sworn, did say that he is the Secretary of Hawaii Employers Council, and that the instrument was signed and sealed in behalf of the corporation, and acknowledged the instrument to be the free act and deed of the corporation.

Witness my and seal.

(Seal)



Shan Friend
Signature of Notary Public

Print Name: Shan Friend

My commission expires:
08/01/2025

SP Doc. Date: FEB 11 2022 ⁷ # Pages (2)

Notary Name: Shan Friend First Circuit

Doc. Description Affidavit of Robert W. Fung

Shan Friend FEB 11 2022
Notary Signature Date

